

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erin Sweeney	Team: Squad #8	CCRB Case #: 201501435	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 02/13/2015 6:10 AM	Location of Incident: § 87(2)(b)	Precinct: 43	18 Mo. SOL 8/13/2016	EO SOL 8/13/2016	
Date/Time CV Reported Fri, 02/27/2015 2:12 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 02/27/2015 2:12 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Alhadys Reyes	11899	935582	NARCBBX
2. SGT Ramon Valdez	00444	920918	H BX/Q
3. An officer			

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: An officer entered and searched § 87(2)(b) in the Bronx.	
B.POM Alhadys Reyes	Abuse: PO Alhadys Reyes refused to show a search warrant to § 87(2)(b) and § 87(2)(b)	
C.SGT Ramon Valdez	Abuse: Sgt. Ramon Valdez refused to show a search warrant to § 87(2)(b) and § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

### Case Summary

On February 13, 2015, at approximately 6:10 a.m., officers entered and searched § 87(2)(b) and § 87(2)(b)'s apartment, located at § 87(2)(b) in the Bronx (**Allegation A**). § 87(2)(b) and § 87(2)(b) alleged that they asked to see a search warrant many times throughout the incident, and the officers refused to show one to them (**Allegations B and C**). § 87(2)(b) and § 87(2)(b) were arrested for § 87(2)(a) 160.50 (enc. 5A-5G).

### Mediation, Civil and Criminal Histories

- This case was not suitable for mediation because § 87(2)(b) was arrested and charged with § 87(2)(a) 160.50 (enc. 8A-8B). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- This report has been submitted pending a FOIL request filed on June 1, 2015, for any Notice of Claim filed in regard to the incident (enc. 10Q).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- PO Alhadys Reyes has been a Member of Service for ten years, and he has three previous allegations, none of which were substantiated § 87(2)(g) (enc. 2C).
- Sgt. Ramon Valdez has been a Member of Service for 17 years, and he has four previous allegations, none of which were substantiated § 87(2)(g) (enc. 2D).
- This is § 87(2)(b) and § 87(2)(b)'s first CCRB complaint (enc. 2A-2B).

### Findings and Recommendations

#### Explanation of Subject Officer Identification

- § 87(2)(b) stated that she asked PO Reyes, whose name she learned from her arrest paperwork, to see a search warrant. She described him as a light-skinned white or Hispanic male in his 40s, 5'6" tall, average to chubby build, with short dark blond hair (enc. 3F). § 87(2)(b) described an officer she asked as a brown-skinned black or Hispanic male in his 30s with big eyes, a bald head, thick eyebrows, and a stocky build (enc. 4E). PO Reyes is a § 87(2)(b)-old Hispanic male who stands 5'7" tall, weighs 190 pounds, with a bald head, big eyes, and thick eyebrows (enc. 5M). § 87(2)(g)
- PO Reyes stated that Sgt. Valdez would have had a copy of the search warrant on the scene. Additionally, § 87(2)(b) alleged that she asked another officer, a Hispanic male in his 40s, to see the warrant. She also stated that this officer handed her his card, and that she called him after the incident and asked to see the search warrant. § 87(2)(b) stated that she asked a Hispanic male who was 5'8" tall, thinner than PO Reyes, and in his 40s. Sgt. Valdez is a § 87(2)(b)-old Hispanic male who stands 5'9" tall, weighs 170 pounds, and

has very short dark hair (enc. 6E). Sgt. Valdez also acknowledged that he spoke to § 87(2)(b) on the phone. § 87(2)(g).

**Allegation A—Abuse: An officer entered and searched § 87(2)(b)**

§ 87(2)(b):

The investigation found that the entry and subsequent search was conducted in regard to valid search warrant § 87(2)(b), obtained on § 87(2)(b), and signed by the Honorable Judge § 87(2)(b) (enc. 7A-7C). § 87(2)(g)

**Allegation B—Abuse: PO Alhadys Reyes refused to show a search warrant to § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b)

**Allegation C—Abuse: Sgt. Ramon Valdez refused to show a search warrant to § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b)

§ 87(2)(b) stated that she asked approximately six or seven officers throughout the incident to see the search warrant (enc. 3E-3F). She thought that she asked about the warrant approximately 20 times inside of her apartment. She asked PO Reyes to see the warrant when she was in her bedroom, and she was screaming when she asked it. When § 87(2)(b) and § 87(2)(b) were transferred to the 43<sup>rd</sup> Precinct, she thought she asked officers, including PO Reyes and Sgt. Valdez, to see the search warrant between 15 and 20 times. She asked this when she was inside the holding cell and the officers were in front of the window between the holding cell and the desk. She asked Sgt. Valdez for the warrant, and he gave her a card that said “PO Ray” and his number, and told her to call him. § 87(2)(b) called PO Ray after the incident and asked about the search warrant, and he told her that “He’d have to get back to her,” which he never did. § 87(2)(b) acknowledged having 40 bags of crack cocaine on her person.

§ 87(2)(b) stated that she was not at her apartment when the officers came to serve the warrant (enc. 4E). An officer used § 87(2)(b)'s phone and called her and told her to come to the apartment to pick up her children. When § 87(2)(b) arrived at her apartment, § 87(2)(b) was already in the prisoner van. § 87(2)(b) also asked PO Reyes to see the warrant. He told her to be quiet and did not answer her question. She also asked Sgt. Valdez, and he told her that she would show it to her at the stationhouse. § 87(2)(b) thought that she asked to see the warrant at her apartment approximately four times. When § 87(2)(b) and § 87(2)(b) were in the cell at the stationhouse, § 87(2)(b) heard § 87(2)(b) ask ten to fifteen times to see the warrant, and § 87(2)(b) asked at least three times. The cells were approximately eight feet from where the officers were standing. § 87(2)(b) noted in her phone statement that she was certain the officers could hear them asking; when prisoners inside the cell asked to use the restroom, the officers at the desk could hear them and would escort them to the restroom. The officers ignored § 87(2)(b) and § 87(2)(b). § 87(2)(b) was never shown a warrant, and she continues to believe that the officers did not have a warrant to enter and search her apartment.

PO Reyes stated that he was never asked to show the search warrant, and he never heard § 87(2)(b) ask another officer (enc. 5L). When asked who carries the search warrant, PO Reyes answered immediately, “The sergeant.” When asked what the procedure was when someone asked to see a search warrant, PO Reyes said he would tell the sergeant that someone wanted to see the warrant, or the sergeant would explain the search warrant to the occupants. PO Reyes never heard or saw Sgt. Valdez show or explain the search warrant to § 87(2)(b). PO Reyes stated that at the stationhouse, he did not interact with § 87(2)(b) and he was completing paperwork at the desk, which is in front of the holding cell. PO Reyes never heard § 87(2)(b) ask to see the warrant at the stationhouse. PO Reyes did not know who “PO Ray” was, and he did not recall Sgt. Valdez or any other officers handing § 87(2)(b) a card with a phone number on it.

Patrol Guide procedure 212-105 states that the member of service executing the search warrant shall, when able to do so safely, show a copy of the search warrant to any of the occupants of the premises (enc. 1C).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g), § 87(4-b)

---

Pod: 8

Investigator: \_\_\_\_\_  
Signature                      Print                      Date

Supervisor: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date

Reviewer: \_\_\_\_\_  
Title/Signature                      Print                      Date